

REMARKS

Claims 1-40 are pending. In the non-final Office Action of January 31, 2008, the Examiner made the following disposition:

- A.) Rejected claims 15-28 under 35 U.S.C. §112, second paragraph.
- B.) Rejected claims 1-3, 6-13, 15-17, 20-27, 29-31, 34, 35, 37, 39, and 40 under 35 U.S.C. §103(a) as being unpatentable over *Gheith* (U.S. 7,082,454) in view of *Mattis, et al.* (U.S. 6,128,623) ("*Mattis*").
- C.) Rejected claims 4, 5, 18, 19, and 36 under 35 U.S.C. §103(a) as being unpatentable over *Gheith* in view of *Mattis* further in view of Official Notice.
- D.) Objected to claims 14, 32, 33, and 38.
- E.) Indicated that claim 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph.

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

- A.) Rejection of claims 15-28 under 35 U.S.C. §112, second paragraph:

Applicants respectfully disagree with the rejection.

As pointed out by the Examiner, the term "computer-readable media" is described in the specification as including "other forms of ROM or RAM ... later developed." Claims 15-28 recite "computer-readable storage medium." This limitation, read in conjunction with the specification, clearly apprises one of ordinary skill in the art of the scope of the claimed invention. The inclusion of "later developed" forms of ROM or RAM in the specification provides Applicants with a reasonable scope of coverage to include any computer-readable storage media that includes all of Applicants' claimed limitations existing during the term of any patents issuing from this application. This type of provision is a tool conventionally used to define various elements of inventions, and does not render corresponding claim terms "indefinite."

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejection of claims 1-3, 6-13, 15-17, 20-27, 29-31, 34, 35, 37, 39, and 40 under 35 U.S.C. §103(a) as being unpatentable over *Gheith* (U.S. 7,082,454) in view of *Mattis, et al.* (U.S. 6,128,623) ("Mattis"):

As explained in sections "D" and "E" below, based on the current amendments to the claims, Applicants believe that claims 1-3, 6-13, 15-17, 20-27, 29-31, 34, 35, and 39 are now in condition for allowance, and claim 37 has been canceled. Therefore, Applicants will address this rejection only as it pertains to claim 40.

Applicants have amended claim 40 to include the limitations of: means for determining whether the data block was previously transmitted to a client terminal; means for retrieving the data block and transmitting the data block to the client terminal; and means for transmitting a prior transmission indicator to the client terminal that identifies a client local copy of the data block. Neither *Gheith* nor *Mattis* disclose or suggest these limitations.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

C.) Rejection of claims 4, 5, 18, 19, and 36 under 35 U.S.C. §103(a) as being unpatentable over *Gheith* in view of *Mattis* further in view of Official Notice:

As explained in sections "D" and "E" below, based on the current amendments to the claims, Applicants believe that claims 4, 5, 18, 19, and 36 are now in condition for allowance.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

D.) Objection to claims 14, 32, 33, and 38:

The Examiner has indicated that claims 14, 32, 33, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Consequently, Applicants have made the following claim amendments:

- amended independent claim 1 to include the limitations of claim 14, and canceled claim 14, thus rendering claims 1-13 allowable

- amended independent claim 29 to include the limitations of claim 32, and canceled claim 32, thus rendering claims 29-31 allowable
- amended claim 33 to include the limitations of claim 29, and added new claims 49 and 50 (which are the same as claims 30 and 31, but depending from newly amended claim 33), thus rendering claims 33, 49, and 50 allowable
- amended independent claim 34 to include the limitations of claims 37 and 38, and canceled claims 37 and 38, thus rendering claims 34-36 and 39 allowable

Based on these amendments, Applicants believe that claims 1-13, 29-31, 33-36, 39, 49, and 50 are now in condition for allowance.

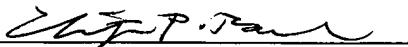
E.) Indication that claim 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph:

As explained in section “A” above, Applicants respectfully submit that the term “computer-readable storage medium” in claims 15-28 does not render these claims indefinite. Furthermore, Applicants have amended independent claim 15 to include the limitations of claim 28, and canceled claim 28, thus rendering claims 15-27 allowable.

Conclusion

In view of the foregoing, it is submitted that 1-13, 15-27, 29-31, 33-36, 39, 40, 49, and 50 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

By: 
Christopher P. Rauch
Reg. No. 45,034

Customer No. 58328
SONNENSCHEIN NATH & ROSENTHAL LLP
P. O. Box 061080
Wacker Drive Station - Sears Tower
Chicago, Illinois 60606-1080
Telephone (312) 876-8000
Facsimile: (312) 876-7934